

Environmental Assessment

Title: 4-R Equipment Road Right-of-Way

Environmental Assessment (EA) Number: OR-056-01-038

Serial Number: OR-55654

Applicant: 4-R Equipment

Bureau of Land Management (BLM) Office: Prineville District Office
P.O. Box 550 (3050 NE 3rd St.)
Prineville, OR 97754

Resource Area: Deschutes

I. PURPOSE AND NEED

4-R Equipment is requesting a right-of-way ROW for a proposed commercial access road. 4-R Equipment intends to use the proposed road to transport sand and gravel from their private pit located in T.14S., R.14E., Section 29, W1/2SW1/4, to the O'Neil Highway. The proposed commercial access road would be used the entire year.

The current access road enters the O'Neil Highway at the Lone Pine Junction. The proposed access road would enter the O'Neil Highway approximately 0.7 miles southwest of the Lone Pine Junction and west of the O'Neil grade at the intersection with the Crook County Public Way (see attached map-exhibit A.). The Oregon Department of Transportation (ODOT) has determined the current intersection at Lone Pine Junction access to be a public safety hazard because of limited sight distance and heavy truck traffic in the area where it enters the O'Neil Highway. In a letter, dated May 30, 2000, Jerry Page, District Operations Engineer for ODOT states, "The proposed use of the existing access west of the O'Neil grade by Robinson's hauling operations would be preferable to the existing access at the Lone Pine Junction. The enhanced sight distance, plus being in a less congested area combine to make for a safer truck access".

Conformance with Applicable Land Use Plan

This request is subject to and in conformance with the Brothers/La Pine Resource Management Plan (RMP), July 1989.

On page 29 under Rights-of-Way and Utility and Transportation Corridors, the following guidance regarding ROW is provided: “Public lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors following existing routes, communication sites, and roads.”

A copy of the RMP is available for public review at 3050 NE 3rd Street in Prineville, Oregon.

II. PROPOSED ACTION AND ALTERNATIVES

No-Action

A no-action alternative would result in 4-R Equipment continuing to use the existing road which enters onto the O’Neil Highway at the Lone Pine Junction.

Proposed Action

The location of the Proposed Action:

Willamette Meridian, Oregon,
T. 14 S., R. 14 E.,
Sec 30, NE1/4NE1/4SW1/4,SE1/4;
containing 3.53 acres.

4-R Equipment is requesting a right-of-way to construct a commercial haul road across public lands beginning at the O’Neil Highway to the private land located in T.14S., R.14E. Section 29, W½, Willamette Meridian (see attached map-Exhibit A). A linear portion 30 feet wide and approximately 4,224 feet long, would be located on an existing cinder road right-of-way, serial number OR 47616. A linear portion 30 feet wide and approximately 350 feet long, would be on an existing dirt road and a linear portion 30 feet wide and approximately 200 feet long, would be new construction that would continue northwest to connect with a Crook County Public Way (see attached map). A short linear portion 30 feet wide and approximately 350 feet long would be on the existing Crook County Public Way to the O’Neil Highway. The entire proposed right-of-way is 30 feet wide and approximately 5,124 feet long, containing 3.53 acres, more or less.

The applicant would obtain any necessary written authorization from Crook County to construct an approach onto the O’Neil Highway. 4-R Equipment has been in the road building industry for over 50 years and plans to do the construction with their own equipment and labor force. The proposed road would be 24 feet wide plus three foot shoulders with a 10 inch aggregate base, then four layers of oil would be applied over the compacted surface. Their plan also includes a 2% slope from the center of

the road to the shoulders for drainage (see attachment-Exhibit B). Since the running surface is an oil mat, maintenance would be minimal and redone as needed. The company plans to construct a turnout on the Crook County Public Way where it enters onto the O'Neil Highway to insure the safety of vehicles entering or exiting the highway at that location.

The residents of O'Neil and Lone Pine communities currently deal with truck traffic from Hap Taylor & Sons, Lone Pine Pit and O'Neil Sand and Gravel. The 4-R Equipment's pit is for private use only. There would be no individual sales to the public from this pit. 4-R Equipment estimates hauling approximately 25,000 cubic yards of material per year. This equates to approximately 1,560 truck trips per year or an average of 6 trips per day in and out of the pit. Stockpiles of mineral materials would be stored on private property. The proposed access road would be used the entire year and construction would begin when the applicant receives the required approval and permits. Construction would take approximately three weeks to complete depending on the weather condition. No temporary work areas would be needed for construction.

Existing road right-of-way OR 47616 enters onto the O'Neil Highway approximately 425 feet east of the proposed ROW. This access is not an option due to the fact that ODOT is concerned about limited sight distance for traffic coming out of the canyon. The applicant would block this access where it enters the O'Neil Highway using large boulders and a berm and the land allowed to return to a natural state. A linear portion of the road, approximately 350 feet long, would be closed.

Historically this area has been used by the public for illegal dumping. The applicant would block several two track trails to discourage illegal public dumping. The applicant would remove trash that has accumulated from illegal dumping activities in the area.

To complete the proposed improvements, approximately 115 juniper trees, ranging in diameter from 3 inches to 12 inches, would need to be removed. An additional 25 juniper trees would need to be trimmed prior to road construction (see attached Tree Removal Requirements). A locked gate would be installed by the applicant, on their private property, on the section line common to sections 29 and 30.

The proposed ROW would be within the Cook grazing allotment #5111, and would cross the allotment boundary at the north end. The ROW applicant would install a 14 foot or wider cattleguard at this location prior to the next authorized grazing period. The cattleguard would be constructed and installed as shown on attached drawings (See Exhibit C) and specifications as provided by the authorized officer. The applicant would repair and maintain the cattleguard as needed, and upon request by authorized officer.

ALTERNATIVES CONSIDERED AND DISMISSED

Existing road ROW OR 47616 enters onto the O'Neil Highway approximately 425 feet east of the proposed ROW. This ROW was granted to Martin Tisthammer and Bernard Paine on October 30, 1991 for single family residential use. This approach is not adequate for commercial use because it enters the highway approximately 50 feet west of the crest of O'Neil grade on the O'Neil Highway. Traffic heading west out of the canyon does not become visible in time to insure proper stopping distance to avoid hitting slow moving trucks entering or exiting the highway at that location. Since ODOT would not permit the use of this access, this route was considered but not developed as an alternative.

III. DESCRIPTION OF THE EXISTING ENVIRONMENT

..... General.Habitat.Description:

From: Attached Botanical Evaluation, dated May 1, 2000, by Ron Halvorson, District Botanist

Elevation, topography, slope and aspect: The topography is generally flat and at an elevation of slightly more than 2,900 feet.

Soils: Soils are mostly sandy with varying degrees of surface rock.

Community and associated species: The community is dominated by western juniper and big sagebrush, with varying densities of bluebunch wheatgrass, western needlegrass and herbs common to the area. The area has been heavily impacted by a variety of activities and the interspaces between the shrubs are often large and dominated by annuals, such as alyssum and cheatgrass. The area is mostly in early seral status with a high density of trash and OHV damage.

Microbiotic crust: Microbiotic crust is common in patches, mostly consisting of mosses, but some gray lichens are found on the organic matts found on the soil. It appears that those areas most subjected to the contemporary "uses" of OHV and dumping may be recovering from earlier, historic uses.

The eastern portion of the new road construction contains a dense population of Canby's bisquitroot, but the area is not large enough to be of any cultural significance.

Noxious weeds such as diffuse knapweed is common throughout the area, especially in the west near the ODOT material site.

Special Status Plants

Astragalus peckii would be the only plant suspected in this area. *Astragalus peckii* (Peck's milkvetch) is a Bureau Sensitive species (formerly C2) endemic to the area south and west of Cline ~~Butter~~, southwest of Redmond, as well as in Klamath County. It prefers somewhat open, flat basins characterized by deep, dry, loose Mazama pumice or ash soils. This early-seral, perennial member of the pea family occupies open, sunny sites in a coniferous (lodgepole pine) or shrub (big sagebrush-bitterbrush with western juniper) canopy. Flowering occurs late April through July, with plants identifiable into August. Peck's milkvetch is listed as "threatened" by the State of Oregon. (See attached Botanical Evaluation, dated May 1, 2000, by Ron Halvorson, District Botanist).

Wildlife

The project area has no special wildlife designations; however, it does provide seasonal and year round habitat for non-game, game, and Threatened, Endangered, or Sensitive (TE&S) species. Numerous non game species utilize the habitats surrounding the project area. Very infrequently elk or antelope may move through this area; however, there are no residential herds. There is an established deer population in the general project area. Because the project area is located right next to an existing road the current disturbance limits the use of habitats directly adjacent to the road. Any habitat use would be limited to incidental foraging or travel.

Vegetative conditions adjacent to the existing road meet habitat requirements to provide foraging habitat for several TE&S species. Again the use of these habitats is likely limited due to the existing road disturbance. Additional information about TE&S species habitats and types of uses are contained in the Biological Evaluation.

..... County and State Land Use Planning

The applicants parcel is zoned for Surface Mining with an approved permit from Crook County and the State Department of Geology and Mineral Industries. The existing uses on private land in the area include agricultural, rural residential, aggregate mining and processing, and cattle grazing. On public lands, existing uses include cattle grazing, horseback riding, mountain biking, hunting, sightseeing, and extensive motor vehicle use, both on and off-roads.

Recreation

Recreation activities for this area include OHV use, horseback riding, hiking, hunting, and target shooting. Although many of the recreationists using public lands in the area are nearby landowners; this area provides the only public access to BLM managed lands from O'Neil Highway.

Livestock Grazing

The proposed ROW is within the Cook grazing allotment #5111, operated by Lark Ranch. Currently, the allotment is not being used and has not been actively grazed for several years. The fences within the allotment have been removed.

Visual

Brothers/La Pine RMP, 1989 identifies this area as having high or sensitive visual qualities.

The project area includes lands to the south of O'Neil Highway, which winds along pastureland within the Crooked River Canyon. Immediately west of the Lone Pine Junction, the highway passes by a large sand and gravel open pit mine, then is aligned up a short grade and westward through juniper forests and rural residential areas.

The current access road to the 4-R Equipment's pit is located adjacent to the large O'Neil Sand and Gravel Company pit. This pit is highly visible from the O'Neil Highway, and the 4-R Equipment's pit access road is a small visual element when compared to the cut slopes, bare soil and equipment of the adjacent sand and gravel pit.

The proposed alternative project area is located west of the O'Neil Sand and Gravel pit, at the top of the highway grade. This area is not seen in context with the large sand and gravel pit in the canyon below. This area is composed mostly of young to moderate aged juniper trees. Several gravel surfaced roads provide access from the O'Neil Highway into public lands. A powerline (wood pole, single conductor) parallels one of these gravel roads. Other unimproved roads cut through the juniper stand, which contains scattered dump sites and abandoned automobiles. Oregon Department of Transportation operates a material storage site adjacent to O'Neil Highway at the site of the proposed ROW. However, no stockpiled material currently exists at the site, and it appears only as a small clearing or parking area at the intersection of O'Neil Highway and in the juniper forest. Signs at this gravel road intersection with O'Neil Highway identify the intersection as access to Overland Ranch. The surrounding area is a mixture of juniper forest and irrigated pastureland, with many ranches and homes located to the west along O'Neil Highway. The most prominent visual feature of the area are the rock escarpments of the Crooked River Canyon at Smith Rock State Park, visible in the distance to the north.

The project area is visible from O'Neil Highway. Based on field review of the site, motorists would likely view the project area for a period of about 5 to 10 seconds as they drive by on O'Neil Highway.

Residences at Overland Ranch are located approximately 0.7 miles from the site, and would not have a view of the proposed ROW due to topographic and vegetative screening.

Cultural

An intensive, pedestrian, Class III (100%) inventory survey of the project area was undertaken to locate any surface evidence of cultural resources. That survey was completed by one BLM archaeologist walking at no more than 30 meter transect intervals across the project area. The survey resulted in the discovery and documentation of one large, widely dispersed historic refuse scatter. Based on the nature of the cultural materials observed at the site, the smearing of historical and contemporary refuse, lack of association with any structures or structure remnants, and being limited to a surface scatter, the site was considered unlikely to be eligible for inclusion to the National Register of Historic Places. The State Historic Preservation Office (SHPO) concurred with that finding and determined that the proposed project would have no effect to historic properties, October 24, 2000. The survey report and SHPO concurrence are on file at the BLM, Prineville District Office.

Air Quality

Existing air contaminant sources in the area, created by quarry operations from Hap Taylor & Sons, Lone Pine Pit and O'Neil Sand and Gravel, consist of the following: crushing heads, sizing screens and conveyor belts; diesel fired generators; and truck traffic and materials handling.

Companies operating sand and gravel pits are required to obtain Air Contaminant Discharge Permits from The Department of Environmental Quality (DEQ). The permittees are required to control dust emissions by applying water as needed to unpaved roads used to transport materials; control truck speeds on unpaved roadways; sweep or clean paved roads and other areas as necessary to prevent migration of material onto the public road system; cover open bodied trucks transporting materials likely to become airborne. DEQ personnel inspect facilities to ensure compliance with permit conditions.

IV. IMPACTS

Soil and Vegetation

No-Action

Tributary wheel tracks, if left open with a no action alternative, would continue to encourage uncontrolled OHV use and associated damage to soils and vegetation.

Proposed Action

The construction plan involves pulling soil from the sides to add a crown at the center of the road creating the 2% slope for drainage. All vegetation would be removed from the road prism and borrow ditches for the entire 5,124 feet length of the ROW or approximately 3.53 acres. Construction of short segments would result in soil displacement and compaction.

A linear portion of the road right-of-way OR 47616, approximately 350 feet long would be closed (see attached map). This area would be allowed to return to a natural state without scarifying or seeding. Scarification and seeding would result in the area becoming dominated by grasses and plants different from the surrounding plant communities. Western juniper, big sagebrush, bluebunch wheatgrass, western needlegrass and herbs common to the area would eventually dominate the area through natural regeneration.

Improving the road and the subsequent increase of use would increase risks for the importation and spread of noxious weeds onto public lands.

To complete the proposed improvements approximately 115 juniper trees, ranging in diameter from 3 inches to 12 inches, would need to be removed. 25 additional juniper trees would need to be trimmed prior to road construction. No old-growth juniper would be impacted.

Wildlife

No-Action

No impacts to wildlife would occur as a result the no-action alternative.

Proposed Action

As a result of the action alternative no habitat would be lost. The effects of widening the road would slightly increase the area influenced by vehicle disturbance. The greater width of the road and volume of heavy truck traffic has the potential to increase the amount of road kill that would occur. This area has not been identified as a major travel or migration route so any animals killed would be incidental and associated with the local populations or occasional migrants.

No disturbance would occur to habitat amounts or disturbance for non game species.

Threatened and Endangered Plants and Animals

No-Action

No impacts to threatened and endangered plants would occur as a result of the no-action alternative.

Proposed Action

The project area contains vegetative conditions that could be used by several species of wildlife: Northern Bald Eagle (*Haliaeetus leucocephalus*), Townsend's big-eared bat (*Corynorhinus townsendii*), Burrowing Owl (*Speotyto (=ATHENE) cunicularia*), Ferruginous Hawk (*Buteo regalis*), Northern Goshawk (*Accipiter gentilis*), Pygmy Rabbit (*Bachylagus idahoensis*), Brazilian Free-Tailed Bat (*Tadarida brasiliensis*), and Spotted Bat (*Euderma maculatum*).

The Biological Evaluation prepared to address potential impacts to TE&S recognizes that a small amount of habitat for the above mentioned species would be altered, but that it would not be enough to adversely effect population levels in this area. (Biological Evaluation, Monte Kuk, dated October 12, 2000)

No impacts to threatened and endangered plants would occur as a result of this alternative.

Cultural

No-Action

No impacts to cultural resources would occur as a result of the no-action alternative.

Proposed Action

It has been determined that the proposed project would have No Effect on any listed or eligible cultural resources. (Attached BLM/SHPO Memo of Agreement, Ronald Gregory, dated October 24, 2000)

Visual

No-Action

No impacts to visual resources would occur as a result of the no-action alternative. The current access road would continue to be used and would be seen in context with the much larger, adjacent sand and gravel pit.

Proposed Action

The proposed action would result in the widening of the existing gravel surfaced road (OR-52686) which intersects with O'Neil Highway immediately west of the ODOT material site (See Map). This road is aligned perpendicular to the O'Neil Highway. A narrow, unimproved road parallel to the O'Neil Highway would be widened from the existing 6 foot clear width to 24 feet wide paved, plus three foot shoulders. The unimproved road passes through a juniper stand. The widening of this road and the realignment of its intersection with OR-52686 would result in the removal of several juniper trees. However, the harvesting of juniper trees along OR-52686 would not create a high degree of contrast, since this portion of the existing gravel road is located in a large clearing for the existing powerline.

The removal of trees to widen the existing unimproved road parallel to O'Neil Highway would change the visual character of the area as seen from O'Neil Highway. The character of the area would change from a forested, primarily natural setting to an improved road with moderately visible truck traffic. However, the impact would be limited, since only about 6 truck trips per day are planned for the ROW, and the view for motorists on O'Neil Highway would be of very short duration.

Air Quality

No-Action

No impacts to air quality would occur as a result of the no-action alternative.

Proposed Action

During road construction there would be increased air emissions, dust, and suspended particles which may result in the deterioration of air quality in the immediate area. Since this will occur in an lightly populated area and on a small scale, these emissions should not be a problem. 4-R Equipment would furnish and apply water or other means satisfactory to the authorized officer for dust control to meet Federal, State, and local emission standards for air quality. However, after construction is completed, the running surface of the new road would be an 4 shot oil mat and dust emissions would be minimal. Maintenance and resurfacing would be done as needed.

Cumulative

This proposed action would eliminate the unsafe access to the O'Neil Highway located 50 feet west of the O'Neil grade. This would also eliminate the need for 4-R Equipment to use the access at the Lone Pine Junction, both of which ODOT has determined to be a Public Safety hazard because of limited site distance and the heavy truck traffic in the area.

Historically this area has been used by the public for illegal dumping. The applicant has agreed to block off several two wheel-track roads to discourage illegal trash dumping. The applicant would remove and clear any existing dumps in the area. The closure of two wheel-track roads and periodic road maintenance would limit dust and erosion.

Under all alternatives, including the no-action alternative, uses would continue in the area pursuant to the Brothers/La Pine RMP (Resource Management Plan), which identifies these public lands for multiple-use management and recreation purposes such as off-road vehicle use. Compaction of soils and destruction of vegetation from these other uses would continue.

Future expansion of the pit by 4-R Equipment, or the development of the ODOT material site would increase the truck traffic on the proposed ROW and the O'Neil Highway. However, heavy truck traffic is already occurring in the area from existing quarry operations.

V. MITIGATION MEASURES AND RESIDUAL IMPACTS

Soil and Vegetation

Construction: The access road to the project would be limited to the minimum width necessary to complete the project. The closure of two wheel-track roads and periodic road maintenance would limit dust and erosion.

Spreading woody debris on-site from the tree removal would retain organic matter and nutrients, help stabilize disturbed soil and limit erosion, and help reduce the spread of non-native vegetation.

Tree Removal Specifications: Applicant shall mark all trees to be removed with flagging within the clearing limits of new segment construction or existing road widening. To maintain as much vegetative screening as possible, to the maximum extent feasible, tree removal for the portion of the ROW that is parallel to O'Neil Highway (i.e., the ROW located between OR-52686 and OR-47616) shall only be done on the south side of the existing road clearing.

Cut trees down to a stump height of 8 inches or less for any trees that would not be grubbed out.

All cut trees 6 inches or greater in diameter shall be limbed and bucked into pieces not to exceed 8 feet in length. Bucked and limbed boles shall be placed in accessible locations within the ROW to be later removed by BLM personnel or BLM contractor for firewood.

Trees less than 6 inches in diameter and cut limbs and tops shall be either chipped or lopped and scattered on BLM public land within or adjacent to the ROW such that no hazardous fuel concentrations remain and resulting slash depth does not exceed 8 inches.

If chipping is used for slash disposal, chips shall be blown away from the road prism perpendicular to the road within or immediately adjacent to the ROW.

Any slash or chips falling on the road bed or ditches shall be cleared out.

Air Quality

4-R Equipment has obtained the necessary Air Contaminant Discharge Permit from The Department of Environmental Quality. Permit No: 37-0027 was issued by DEQ on September 13, 2000 and will expire on August 1st, 2005. This permit was issued in accordance with the provisions of ORS 468A.040. This permit stipulates that 4-R Equipment is required to control dust emissions by:

1. Applying water as needed to unpaved roads used to transport materials;
2. Controlling truck speeds on unpaved roadways;
3. Using reasonable measures to reduce the migration of material onto public and private roadways;
4. Removing all “tracked-out” materials from paved streets;
5. Covering open bodied trucks transporting materials likely to become airborne.

In addition to the specific requirements listed in the permit, the permittee must comply with all other legal requirements enforceable by the Department of Environmental Quality. DEQ personnel will conduct inspections to ensure compliance with permit conditions.

VI. NO IMPACT ITEMS

The following critical elements were considered, but would not be addressed because they would either not be affected or do not exist in the project area:

1. Areas of Critical Environmental Concern
2. Drinking Water Quality

3. Environmental Justice
4. Floodplains
5. Hazardous Wastes
6. Native American Religious concerns
7. Paleontological Resources
8. Prime or Unique Agricultural Lands
9. Wild and Scenic Rivers
0. Riparian Areas/Wetlands
11. Wilderness
12. Fisheries
13. Recreation

VII. CONSULTATION AND COORDINATION

Persons and Agencies Consulted

1. Jerry Page, District Operations Engineer ODOT
2. Ron Robinson, Applicant/Owner 4-R Equipment
3. Brian Stokes, Engineer for 4-R Equipment
4. Gordon Moore, Crook County Planning
5. Norm Thompson, Crook County Road Dept.
6. Ben Mundie, Dept. of Geology and Mineral Industries
7. Marvin Tisthammer, Property Owner
8. Ray and Lita Kilpatrick, Lark Ranch
9. Frank Messina, Air Quality Program, Department of Environmental Quality

Preparers (BLM)

1. Robert B. Towne, Deschutes Field Manager
10. Teal Purrington, Range Land Management Specialist
11. Ron Gregory, Area Archeologist
12. Ron Halvorson, Botanist
13. Monte Kuk, Wildlife Biologist
14. Phyllis Gregory, Realty Specialist
15. Greg Currie, Recreation & Visual Resource Management Specialist
16. Steve Castillo, Forester
17. Suzanne Wiley, Land Law Examiner

NEPA requirements met:

/s/ Marci Todd
Marci Todd

05/11/01
Date





